

570 Westfield Avenue, LLC  
570 Westfield Avenue  
Block 3010, Lot 14

**BOARD APPLICATION**

**WESTFIELD BOARD OF ADJUSTMENT**

**WESTFIELD PLANNING BOARD**

Linda Jacus

908-789-4100 ext. 4602

**ALL APPLICATION MATERIALS ( board application, engineering plans, architectural plans, reports, photo, etc.) MUST BE COLLATED.**

**Please check that Your Application Package consists of the following before returning to the board secretary:**

*The Board, when reviewing the application, shall have the authority to request additional information not required by this checklist or the ordinance if, in its opinion, such additional information is necessary to make an informed decision on the application or appeal.*

**[X ]** One (1) copy of **The Original Application Form**.

**[X ]** Twelve (12) copies of **plans, sketches, renderings, etc to be utilized during the hearing. Plans must be folded before they are turned in to the Board.**

Photographs or other visual aids such as oversized posters and charts do not need to be duplicated or submitted in advance of the hearing. Notwithstanding the above, the Board Secretary may require a greater or lesser number of copies in particular cases as needed. If any item on any of the forms or enclosures is not applicable, is unknown or is otherwise unable to be completed, please enter "N/A" or other appropriate phrase in the space. For applications involving new buildings, or additions or alterations to existing buildings, provide architects drawings or **scaleable floor plans**, which may be prepared by the owner/applicant. The plans should include the existing and the proposed new construction of each story of the building (including basements), drawn to a scale not smaller than 1/8" = 1'0", and **exterior elevations** of all sides. The proposed **use of each room** must be indicated on the floor plans.

**[X ]** Initial application and escrow fees are due at the time the application is submitted. Please see page 17 of the application packet to determine the initial fees due. Please submit two separate checks made payable to "Town of Westfield". Please be advised that additional application and escrow fees may be required upon review of your application. The Secretary will advise you of any additional assessment.

**[X ]** Photographs depicting the subject site, the existing structure from all sides, site improvements, roadway access and yard areas.

**[ ]** A **certificate** from the Westfield Tax Collector stating that all **taxes and assessments** for the subject property are **paid** up to and including the most recent collection period. The Tax collector is Mrs. Susan Noon, telephone (908) 789-4051, located in the Municipal Building, 425 East Broad Street. **TO BE SUPPLIED**

**[ ]** Where the applicant is not the owner, a notarized **affidavit from the owner** authorizing the applicant to file this application. If the applicant is a corporation or partnership, attach a notarized list of the names and addresses of stockholders or partners with a more than a 10% interest. **N/A**

**[X ]** One (1) copy of the **tax map** showing the properties adjoining the property, which is the subject of the application. This document can be obtained from the Town Surveyor's office, which is located in the same building as the Board Secretary's office, at 959 North Avenue, West.

**[x ]** An **ORIGINAL signed, dated and scaleable survey** of the property. On the survey it must indicate the area where the addition and/or alteration will be done. **The survey can be no more than 2 years old.**

**[ ]** For applications involving new structures which are not buildings, (such as swimming pools, decks, patios, handicapped ramps, tennis courts, balconies, fences, walls, tanks, towers, etc.) the applicant must provide **appropriate descriptive material** sufficient for the Board to understand the nature, appearance, and construction of structure(s). **N/A**

**[X ]** You must return the completed **"Request for Property Owners List"** to obtain a certified copy of the list of persons to be noticed. You must complete the noticing on time or you **cannot be heard.**

**[ ]** Please see Page 15 for additional submission requirements for sign variances. **N/A**

**PLEASE COLLATE ALL APPLICATION MATERIALS INTO SETS.  
UNCOLLATED MATERIALS WILL NOT BE ACCEPTED.**

UNCOLLATED MATERIALS WILL NOT BE ACCEPTED.

**TOWN OF WESTFIELD**  
**REQUEST FOR PROPERTY OWNERS LIST**

**APPLICANT PLEASE FILL OUT THIS SECTION ONLY**

For 570 Westfield Avenue \_\_\_\_\_  
Property address

3010 \_\_\_\_\_  
Block # Lot# Date Requested

570 Westfield Avenue, LLC \_\_\_\_\_  
Applicant's Name Phone # (908) 232-9260

**ENGINEERING DEPARTMENT SECTION:**

Date received by Engineering. Dept. \_\_\_\_\_

Please determine all properties in the Town of Westfield within 200 feet of the above referenced address and list the Block and Lot numbers on the back of this sheet. Forward it to the Tax Assessor's office. Thank you.

**TAX ASSESSOR'S OFFICE SECTION:**

Date received by Tax Assessor's Office \_\_\_\_\_

( ) Please prepare a list of owners' names and addresses (showing Block and Lot numbers also) from the current tax duplicates of all properties shown on the back of this sheet and forward the list to the **BOARD OF ADJUSTMENT SECRETARY ONLY.**  
Thank you.

**PLEASE FORWARD A COPY OF THIS SHEET TO THE FOLLOWING PERSON:**



- ☐ Mountainside
- ☐ Scotch Plains
- ☐ Clark
- ☐ Garwood
- ☐ Cranford
- ☐ Springfield

**TOWN OF WESTFIELD**  
**APPLICATION**

**I. Identification:**

This appeal is from (applicant's name) 570 Westfield Avenue, LLC

street address 570 Westfield Avenue, Westfield, NJ 07090 telephone (908) 232-9260

e-mail roma566@aol.com fax NA

for property in Westfield, NJ located at (street address) 570 Westfield Avenue

**II. To:** (check one)

☒ Planning Board ☐ Board of Adjustment  
 Board Secretary: Ms. Linda Jacus 908-789-4100 extension 4602  
 Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

**III. For a Hearing For:** (Check all applicable)

**Specific Applicable Sections of the Westfield L.U.O. for:**

	<b><u>Submission Requirements Checklists</u></b>	<b><u>Procedures</u></b>
<input checked="" type="checkbox"/> *C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input checked="" type="checkbox"/> *Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input checked="" type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04.

		8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

**\*Public noticing is required pursuant to Section 4.03 & 4.04 \*\* A major site plan review is also required with a conditional use application**

**IV. Application Description:** Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

The Applicant proposes to renovate and make alterations to an existing medical office building on the property, including addition of a conference room, manager's office and bathroom in the basement level of the building. The Applicant received approval for the medical office building and renovations by resolution dated June 4, 2018; application No PB 18-04, and this Application is submitted as an amendment or addendum to the prior application.

**V. Reasons:** Briefly summarize the reasons why you believe this appeal should be granted.

The property is located in the P-2 District. The Town's Land Use Ordinance allows and encourages professional medical offices in the District (LDO § 11.20A(1)(a)). The project seeks to add permitted accessory space to the existing permitted use. No new variances are being requested other than a slight increase in the parking variance and this application seeks continuation of existing "c" variances which were approved as part of the 2018 application. See attached Statement in support of Application regarding continuation of variance for number of parking spaces

**VI. Property Description:** Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 570 Westfield Avenue

Zone district P-2 Block No. 3010 Lot No. 14

•Dimensions of lot 117.45' X 200' with a 50' X 20.86' cutout on the SW corner Area of lot 22,623 SF

•Use of premises present Medical Offices/Residential  
proposed No change

The proposed use is: ☒ permitted by ordinance ☐ a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  
☐ a use permitted by variance ☐ a nonconforming (i.e. "grandfathered") use ☐ not a permitted use

Name of Owner 570 Westfield Avenue, LLC Telephone No. (908) 232-9260  
Street address of Owner 570 Westfield Avenue, NJ 07090 Fax. No. NA

•Does the above owner also own any property that abuts the subject property?

☒ No ☐ Yes If yes, address: However, Robert Panza, M.D., the managing member of the Applicant, and his wife own the adjoining Lot 13 which they utilize for their medical practice. Dr. Panza and his wife seek to expand their presence in Westfield.

the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? ☒ No ☐ Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? ☒ No ☐ Yes If yes, list here and attach a brief description of each.

**VII. Attorney Identification:** Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Stephen F. Hehl, Esq. Telephone No. (908) 687-7000

Attorney's firm Hehl Offices at Javerbaum Wurgaft Fax. No. (908) 687-7028

Street address 370 Chestnut Street, Union, NJ 07084

**VIII. Notarization:**

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

570 WESTFIELD AVENUE, LLC

[Signature]  
Signature of Applicant (in the presence of a Notary)

Print Name : Robert Panza, M.D., Managing Member

Address: 570 Westfield Avenue

Westfield, NJ 07090

Home phone (908) 967-9366

Business phone (908) 232-9260

Sworn and Subscribed to  
before me this 12th  
day of Feb, 2020

Notary Public

**STEPHEN F. HEHL, ESQ.**  
**AN ATTORNEY AT LAW**

**IX. Do not write in the following spaces!**  
**TO BE COMPLETED BY THE ZONING OFFICER:**

• To the best of my knowledge and belief, this application is complete and correct.

• This application is currently the subject of a:

\_\_\_\_\_ Zoning violation notice, No. \_\_\_\_\_, copy enclosed.

\_\_\_\_\_ Municipal Court complaint, docket No. \_\_\_\_\_, copy enclosed.

\_\_\_\_\_ Other pending action, (describe) \_\_\_\_\_

\_\_\_\_\_ None of the above

\_\_\_\_\_ None of the above

\_\_\_\_\_  
Signature

**TO BE COMPLETED BY THE BOARD SECRETARY:**

Has there been any previous appeals(s) involving these premises?

☐ No                      ☐ Yes                      If yes, attach copies of resolution(s)

**TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:**

Application accepted as complete on \_\_\_\_\_.

\_\_\_\_\_  
Signature



## TOWN OF WESTFIELD

### LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.21.E.5	Nature of Deficiency: Minimum Front Yard Setback (Average)	
	Permitted: 36.33'	Present: 38.10'	Proposed: 38.10'
2.	Section: 11.21.E.11	Nature of Deficiency: Maximum Coverage by Improvements	
	Permitted: 40%/7,200 SF	Present: 59.7%/13495 SF	Proposed: 59.7%/13495 SF
3.	Section: 17.03.B.4	Nature of Deficiency: Off-Street Parking Location	
	Permitted: Rear Yard only	Present: Rear & Side Yard	Proposed: Rear & Side Yard
4.	Section: 17.03.C.4	Nature of Deficiency: Off-Street Parking Setback	
	Permitted: 5'	Present: 3'	Proposed: 3'
5.	Section: 17.03.C.3	Nature of Deficiency: Parking Setback from Resid. District	
	Permitted: 10'	Present: 5'	Proposed: 5'
6.	Section: 17.02.B2. (P-2) 17.02.C.1.G (Mid-rise dwellings) 17.02.C.5.A (Medical Offices)	Nature of Deficiency: Off-Street Parking	
	Permitted: 22	Present: 20 (includes 2 on-street)	Proposed: 20 (includes 2 on-street)

**TOWN OF WESTFIELD**

**LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED**

**SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION**

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:
2.	Section:	Nature of Deficiency:
	Permitted:	Present                      Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present:                      Proposed:

# TOWN OF WESTFIELD

## REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

### **THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES, AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS**

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE: P-2 APPLICANT: 570 Westfield Avenue, LLC

STREET ADDRESS: 570 Westfield Avenue

#### PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT		
				LOT No.	VARIANCE?*	VARIANCE?*
11.21.E.1	Minimum gross area	sq. ft.	12,000 SF	14	No	
11.21.E.2	Minimum area within first 120 ft. of depth	ft.	12,000 SF	14	No	
11.21.E.2	Minimum width	ft.	100	14	No	
11.21.E.3	Minimum frontage	ft.	100	14	No	
11.21.E.4	Minimum depth	ft.	150	14	No	
11.21.E.5	Front yard setback (per Sections 12.03C & D & E)	ft.	36.33	14	Yes-existing	
11.21.E.5	Minimum Side yard	ft.	12	14	No	
11.21.E.5	"	ft.	12	14	No	
11.21.E.7	Minimum rear yard	ft.	50'	14	No	
11.21.E.10 & 12.04G	Maximum building coverage (without deck)	%	20%/3,600 SF	14	No	
11.21.E.10 & 12.04G	Maximum building coverage (with deck)	%	20%/3,600 SF	14	No	
11.21.E.9 & 12.04.E.1	Maximum FAR or total habitable floor area	%	25%/8,000 SF	14	No	
11.21.E.8	Maximum building height	ft.	38'/3 stories	14	No	
11.21.E.11 & 12.04.G	Maximum all improvements coverage	%	40%/7,200 SF	14	Yes-existing	
17.03.B.4	Other: Off-street parking location		Rear yard only	14	Yes-existing	
17.03.C.4	Other: Off-street parking setback		5'	14	Yes-existing	
17.03.C.3	Other: Off-street parking setback (residential)		10'	14	Yes-existing	
17.02.C.5.A <sup>1</sup>	Other: Total number of parking spaces		22 (see fn. 1)	14	Yes-existing	

NOTE: This table must be consistent with the two variance lists, if they are included in the application.

\* Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

<sup>1</sup> 17.02.C.5.A requires 4 spaces per doctor at any given time and 1 space per employee or per 175 SF, whichever is greater; 17.02.C.1.G requires 2 spaces for a two-bedroom unit; as shown on the cover page of EKA's engineering plans dated February 28, 2020, the total number of required spaces is 22. The Applicant is proposing 20 spaces.

**TOWN OF WESTFIELD  
UNION COUNTY NEW JERSEY**

**AFFIDAVIT OF OWNERSHIP**

I, Robert Panza, M.D., of full age, being duly sworn  
(Print Name)

according to law, do hereby certify that I am the (check one) owner or X duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) Block 3010, Lot 14

Street Address(es) 570 Westfield Avenue

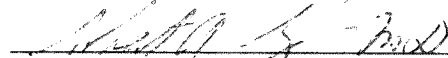
Check one:

1. X As the owner (or officer of), I am the Applicant in the within application.
2. \_\_\_\_\_ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

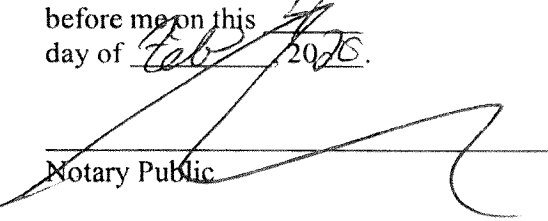
a. Authorized Individual/Entity: 570 Westfield Avenue, LLC

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): Owner

570 WESTFIELD AVENUE, LLC

  
(Signature of Owner/Officer of Owner)  
Robert Panza, M.D., Managing Member

Sworn and subscribed to  
before me on this Feb  
day of 2020.

  
Notary Public

**STEPHEN F. HEHL, ESQ.  
AN ATTORNEY AT LAW  
OF THE STATE OF NEW JERSEY**

**ESCROW AGREEMENT AND REFUND REQUEST**

Board of Adjustment \_\_\_\_\_ Planning Board   X  

NAME:   570 Westfield Avenue, LLC  

ADDRESS:   570 Westfield Avenue, Westfield, NJ 07090  

I understand that escrow fees as established by Section 5.03A of the Land Use Ordinance are necessary to reimburse the Town for the cost of professional services required for the completion of this application. I understand that these fees are deposited into an escrow account to be utilized for the payment of said services, and if necessary additional fees will be provided upon request by the Town, and upon an accounting of the escrow deposit.

After memorialization of this application and after payment has been made for all professional fees associated with this application, please refund the remaining balance, if any, of funds held in escrow for this application. I understand there may be a zero balance.

I understand that any escrow balance will be refunded to the party who put forth the deposit.

570 WESTFIELD AVENUE, LLC

  
Signature of Applicant

By: Robert Panza, M.D., Managing Member

  2/4/20    
Date

APPLICANT: 570 WESTFIELD AVENUE LLC  
PROPERTY: 570 Westfield Avenue, Block 3010/Lot 14

## STATEMENT IN SUPPORT OF SITE PLAN AMENDMENT

### Proposal

This statement is offered in support of the applicant's proposal to renovate the existing medical offices, approved in 2018, in the building on lot 14 in block 3010. The Applicant seeks preliminary and final major site plan approval, with continuation of existing bulk variances; no new variances are being requested. The Applicant owns the property, which is in the P-2 District, and is making no changes to the existing uses which are permitted. By way of overview, the Applicant is seeking to partially improve the basement to allow for a conference room/break room/lounge, business manager's office, and bathroom to be used in conjunction with the first floor medical use. In addition, the Applicant is looking to convert the second and third floors to two-bedroom apartments. The previous approval was for the medical office on the second floor and a one bedroom apartment on the third floor. The aforementioned change from medical office to residential, in fact, reduces the approved parking variance.

### Benefits

The proposal will benefit the Town and surrounding environs, by allowing the Applicant to operate the medical practice in a more efficient and effective manner. There are no changes to the current permitted uses, and the project is a benefit to surrounding property owners and the Town.

### Detriments

The proposal presents no detriment to the public good or to the zoning ordinance or zone plan. The proposed uses are permitted in the P-2 District. The Applicant requires continuation of the existing bulk variances which were approved as part of the prior application (2018), including the variance for the number of permitted parking spaces; which variance, due to the increase in residential space is being decreased. The Applicant will provide expert testimony that

the proposal is of significant benefit to the neighborhood, and that these benefits outweigh any detriments

By way of summary, the previously approved variances are: (1) front yard setback; (2) maximum coverage of the proposed improvements; (3) off-street parking to allow side yard as well as rear yard parking (the one proposed side yard space is to be ADA compliant); (4) minimal variance from the required off-street side-yard setback from the required 5 feet to 3 feet; (5) minimal variance for the required off-street parking setback from adjoining residential districts from the required 10 feet to 5 feet; and (6) variance from the previously required 23 (now reduced to 22 spaces due to the improvements and change on the second floor from office space to residential space) parking spaces to the proposed 20 spaces (no change from existing). The Applicant will produce expert testimony that: (1) the benefits of the project outweigh any detriments; (2) the proposal will not create any substantial detriment to neighboring properties or the public good; and (3) will not substantially impair the zoning ordinance or the zone plan. The Applicant will present testimony that no new spaces are needed by Applicant to meet its parking requirements. The new space merely creates a more efficient and effective working environment for existing employees.

\* \* \* \* \*

As previously approved, the building, as renovated, presents a pleasing visual and aesthetic appearance consistent with the look and feel of the environs. For these reasons and those Applicant's experts will provide at the hearing, the Planning Board should approve the proposed site plan and variances.